

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

DFT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

Bismark Ayala,

Petitioner,

-against-

U.S. CITIZENSHIP AND IMMIGRATION SERVICES,
BUREAU OF IMMIGRATION AND CUSTOMS
ENFORCEMENT, U.S. DEPARTMENT OF
HOMELAND SECURITY

Respondents.

06 CV 2615 (ARR)

NOT FOR ELECTRONIC
OR PRINT
PUBLICATION

OPINION AND ORDER

X

ROSS, United States District Judge:

The instant petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenges petitioner Bismark Ayala's detention and order of removal from the United States. Pursuant to the Real ID Act of 2005, Pub. L. No. 109-13, § 106, 119 Stat. 231, "a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of an order of removal entered or issued under any provision of this chapter, except as provided in subsection (e) of this section." 8 U.S.C. § 1252(a)(5) (2005). The appropriate judicial circuit is the one in which the immigration judge completed proceedings. 8 U.S.C. § 1252(b)(2). Petitioner's proceedings were completed in Oakdale, Louisiana. Accordingly, this Court cannot hear the instant action and transfers it to the United States Court of Appeals for the Fifth Circuit, as a Petition for Review, pursuant to § 106 of the Real ID Act of 2005. The Clerk of the Court shall transfer this matter to the Fifth Circuit and close this case.

SO ORDERED.

Allyne R. Ross
United States District Judge

Dated: October 19, 2006
Brooklyn, New York

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